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8 UNITED STATES OF AMERICA  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, ) Case No. CR 10-0701 MMC  
12 Plaintiff, ) ~~PROPOSED~~ PRELIMINARY  
13 v. ) ORDER OF FORFEITURE  
14 AVERY BADENHOP, )  
15 Defendant. )  
16

17 Having considered the application for a preliminary order of forfeiture filed by the United  
18 States and the plea agreement entered on September 21, 2011, wherein the defendant admitted to  
19 the forfeiture allegation, and good cause appearing,

20 IT IS HEREBY ORDERED that the following property is forfeited to the United States:

- 21 a. The Smith & Wesson .38 Special revolver, Serial Number BPE6971 seized from 5  
22 Kingswood Court, Petaluma, California, on August 28, 2009;  
23 b. The Browning 9mm semiautomatic pistol, Serial Number 945NW06563 seized from  
24 5 Kingswood Court, Petaluma, California, on August 28, 2009; and  
25 c. Any ammunition seized from 5 Kingswood Court, Petaluma, California, on August

26 pursuant to Title 21, United States Code, Section 853 and Title 18, United States Code, Section,  
27 982.

28 IT IS FURTHER ORDERED that the United States, through its appropriate agency, shall  
seize the forfeited property forthwith and publish on [www.forfeiture.gov](http://www.forfeiture.gov), a government website


1 for at least thirty days, notice of this Order, notice of the government's intent to dispose of the  
2 property in such manner as the Attorney General may direct and provide notice that any person,  
3 other than the defendant, having or claiming a legal interest in the property must file a petition  
4 with the Court and serve a copy on government counsel within thirty (30) days of the final  
5 publication of notice or of receipt of actual notice, whichever is earlier.

6 IT IS FURTHER ORDERED that, the government may conduct discovery in order to  
7 identify, locate or dispose of property subject to forfeiture in accordance with Rule 32.2(b)(3) of  
8 the Federal Rules of Criminal Procedure.

9 IT IS FURTHER ORDERED that the Court <sup>retains</sup>~~to retain~~ jurisdiction to enforce the  
10 Preliminary Order of Forfeiture, and to amend it as necessary, pursuant to Federal Rule of  
11 Criminal Procedure 32.2(e).

12 IT IS FURTHER ORDERED that, pursuant to Rule 32.2(b)(3) of the Federal Criminal  
13 Rules of Procedure, this Preliminary Order of Forfeiture shall become final as to the defendant at  
14 the time of sentencing and shall be made part of the sentence and included in the judgment.

15 IT IS SO ORDERED this 7th day of December 2011.

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18 MAXINE M. CHESNEY  
United States District Judge